IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 15805 of 2004

Between:

The Andhra Pradesh Private Hospitals & Nursing Homes Association, rep., by its General Secretary Dr.Y.Ravindhar Rao, s/o Y.Tirupathi Rao, IMA Building, Koti, Hyderabad.

... PETITIONER

AND

1. Director of Municipal Administration, Secretariat, Hyderabad.
2. Uppal Municipality rep. by its Commissioner, Uppal.
3. Kapra Municipality rep. by its Commissioner, Kapra.
4. Rajendranagar Municipality rep. by its Commissioner, Rajendranagar.
5. Kukatpally Municipality, rep. by its Commissioner, Kukatpally.
6. Sher Lingampally Municipality rep. by its Commissioner, Sherlingampally.
7. Medchal Municipality rep. by its Commissioner, Medchal.
8. Gaddiannaram Municipality rep. by its Commissioner, Gaddiannaram.
9. Malkajigiri Municipality rep. by its Commissioner, Malkajgiri.
10. L.B. Nagar Municipality, rep. by its Commissioner, Malkajgiri.
11. Tandoor Municipality rep. by its Commissioner, Tandoor.
12. Vikarabad Municipality rep. by its Commissioner, Vikarabad.

Respondents 2 to 12 are impleaded as per Court Order dated 05-10-2004 in W.P.M.P.No. 21589 of 2004.

RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or orders declaring the action of the authorities of the respondent in insisting the member of the Petitioner Association to take licence under Section 263 and 264 of the A.P.Municipalities Act for running Hospitals, Nursing Homes etc., in various Municipalities in the Ranga Reddy District is ultra virus, illegal and unconstitutional and to issue a consequential direction to the respondent to act in accordance with law.

Counsel for the Petitioner: MR.T.K.SRIDHAR

Counsel for the Respondent: GP FOR MUNCIPAL ADMN. & URBAN DEVELOPMENT.

The Court made the following:

ORDER:

In view of the order passed by a Division Bench of this Court in W.A.No.567 of 2001, Dated 17-04-2001, writ petition filed by an association, cannot be entertained unless the individuals were called upon to take license under Sections 263 and 264 of the A.P. Municipalities Act, challenging the action of the municipality.

2. The present writ petition filed by an association cannot be entertained and it is accordingly dismissed. No costs. But the Members of the petitioner association may however take recourse to such remedy as may be available to them under law.

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A. **GOPAL REDDY, J**

October 5, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. Director of Municipal Administration, Secretariat, Hyderabad.
2. Commissioner, Uppal Municipality, Uppal.
3. Commissioner, Kapra Municipality rep., Kapra.
4. Commissioner, Rajendranagar Municipality, Rajendranagar.
5. Commissioner, Kukatpally Municipality, , Kukatpally.
6. Commissioner, Sher Lingampally Municipality, Sherlingampally.
7. Commissioner, Medchal Municipality, Medchal.
8. Commissioner, Gaddiannaram Municipality, Gaddiannaram.
9. Commissioner, Malkajigiri Municipality, Malkajgiri.
10. Commissioner, L.B. Nagar Municipality, , Malkajgiri.
11. Commissioner, Tandoor Municipality, Tandoor.
12. Commissioner, Vikarabad Municipality, Vikarabad.
13. Two C.C. s to the G.P. for Municipal Admn. and Urban Development, High Court Buildings, Hyderabad (OUT).
14. Two C.D. Copies.